

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANDREA and JESSE WILLMAN,	:	
	:	
Plaintiffs,	:	CIVIL ACTION NO. 15-5027
	:	
v.	:	
	:	
STATE FARM d/b/a STATE FARM FIRE	:	
AND CASUALTY COMPANY,	:	
	:	
Defendant.	:	

**ORDER**

**AND NOW**, this 28<sup>th</sup> day of September, 2015, the defendant having removed this matter to this court on September 9, 2015 (Doc. No. 1); and the plaintiffs having filed a motion to remand on September 11, 2015 (Doc. No. 5); and the parties having submitted the attached stipulation, in which they agree to cap damages and further agree to have this action remanded to the Court of Common Pleas of Berks County; accordingly, it is hereby **ORDERED** as follows:

1. The attached stipulation is **APPROVED**;
2. The motion to remand (Doc. No. 5) is **DENIED AS MOOT**;
3. This case is **REMANDED** to the Court of Common Pleas of Berks County, Pennsylvania; and
4. The clerk of court is **DIRECTED** to mark this matter as **CLOSED**.

BY THE COURT:



EDWARD G. SMITH, J.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**


<b>ANDREA WILLMAN AND</b>	:	
<b>JESSE WILLMAN</b>	:	
	:	
<b>vs.</b>	:	
	:	<b>5:15-cv-5027</b>
<b>STATE FARM D/B/A STATE FARM</b>	:	
<b><u>FIRE AND CASUALTY COMPANY</u></b>	:	

**STIPULATION AND AGREEMENT**

1. WHEREAS, on August 15, 2015, plaintiffs filed a complaint against defendant in the Berks County Court of Common Pleas, Pennsylvania, No. 15-12553;
2. WHEREAS, the complaint was received by defense counsel on August 23, 2015;
4. WHEREAS, on September 9, 2015 defendant removed the action to the United States District Court for the Eastern District of Pennsylvania;
5. WHEREAS, since removal of said action, the parties have agreed to entered into a stipulation to request the Court enter an order that the amount of damages which can be recovered in the above action, in total, cannot exceed \$75,000.
6. WHEREAS, the parties agree that plaintiffs' recovery in this case, inclusive of all counts of the complaint, cannot exceed the sum of seventy-five thousand dollars (\$75,000.00) inclusive of attorney's fees but exclusive of interest and costs and any award, verdict or judgment entered in this matter shall be molded accordingly.

7. Counsel for the plaintiff and counsel for the defendant heretofore STIPULATE AND AGREE that this matter be remanded back to the Berks County Court of Common Pleas for all further proceedings.

By:

  
\_\_\_\_\_  
MARTIN DURKIN, ESQUIRE  
Attorney for Plaintiffs  
Andrea Willman and Jesse Willman

By:

PAC 2642  
\_\_\_\_\_  
PAMELA A. CARLOS, ESQUIRE  
Attorney for Defendant  
State Farm Fire and Casualty Company  
Incorrectly characterized as State Farm  
d/b/a State Farm Fire and Casualty Company

BY THE COURT:

  
\_\_\_\_\_  
HON. EDWARD G. SMITH